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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/445,356	03/01/00	HOCHE	N VEI0318PUSA

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EXAMINER
MUSSER, B

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/445,356	HOCHE ET AL.
	Examiner Barbara J. Musser	Art Unit 1733
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> • Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. • If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. • If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. • Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). • Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>15 October 2001</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-15</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>7-9</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-6 and 10-15</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. §§ 119 and 120		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
Attachment(s)		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ .</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>		

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group I, claims 1-6 and 10/1-15/1 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7-9 and 10/7-15/7 are nonelected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 6, and 10/1-15/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaegers et al.(U.S. Patent 5,680,934) in view of Amatangelo(U.S. Patent 4,948,039), Westlake, Sr.(U.S. Patent 4,902,365) and Weber et al.(U.S. Patent 4,940,629)

Jaegers et al. discloses a composite with a honeycomb core and first and second skins bonded thereon which is used to form corner protectors for boxes. One of the skins and the core is cut to form a hinge.(Figure 14; Col. 9, ll. 5-32)

The reference does not disclose forming the honeycomb and skins from thermoplastic, but rather from paper. Amatangelo discloses a thermoplastic honeycomb

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which is used to form a box.(Col. 2, ll. 59-62; Figure 2) The honeycomb is cut through to form a hinge.(Figure 4) Amatangelo discloses that it is commonly accepted by those in the art that a single sheet of cardboard is not strong enough to form a hinge, but that a single sheet of plastic can form an adequate hinge for most packaging purposes.(Col. 1, ll. 56- Col. 2, ll. 5) It would have been obvious to one skilled in the art at the time the invention was made to form the honeycomb and skins of Jaegers et al. from thermoplastic to form a stronger hinge as suggested by Amatangelo.(Col. 1, ll. 56- Col. 2, ll. 5)

The references cited above do not disclose the specifics of how the thermoplastic composite is formed though Jaegers et al. states the core and skins can be bonded in a die press, i.e. under pressure.(Col. 10, ll. 20) Westlake, Sr. discloses that thermoplastic honeycomb composites can be formed by placing the skins and honeycomb core in a mold, heating the stack, and then pressing the layers together to bond them.(Col. 2, ll. 38-Col. 3, ll. 5) It would have been obvious to one skilled in the art at the time the invention was made to form the composite of Jaegers et al and Amatangelo in a mold under temperature and pressure since this is a well-known and conventional bonding technique for thermoplastic honeycomb cores, as evidenced by Westlake, Sr. particularly since Jaegers et al. suggests forming the composite in a die press, i.e. under pressure. While the reference does not disclose the specific pressures used in bonding, one in the art would appreciate that the pressures and temperatures used in the molding operation are dependent on the specific polymer used and the intended flexibility of the composite and would use whatever pressure and

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temperature were required to form the composite. Absent unexpected results, the pressures claimed are considered obvious.

The references cited above do not disclose either skin containing reinforcement material. Weber et al. discloses that such reinforcement is well-known and conventional in the art.(Col. 1, ll. 8-16) It would have been obvious to one skilled in the art at the time the invention was made to reinforce at least one of the skins since such is well-known and conventional in the box arts as suggested by Weber et al.(Col. 1, ll. 8-16)

Regarding claim 2, Jaegers et al. discloses forming the honeycomb composite and then slitting it immediately after formation.(Col. 5, ll. 5-18) While that method is continuous, the reference discloses using a die press. Since such slitting is clearly intended to occur immediately after formation. Thus even when a die press is used, one in the art would appreciate that the slitting would occur soon after formation. Based on the continuous process, this would be within 30 seconds of formation of the composite.

Regarding claims 5 and 6, one in the art would appreciate that the required cutting could occur either inside or outside the press. The specifics of the cutting location would be within the purview of one in the art and would depend on the equipment used.

Regarding claim 10, Westlake, Sr. discloses that composites are heated prior to pressing.(Col. 2, ll. 64-68)

Regarding claim 11, while the reference does not disclose the specific temperatures used in bonding, one in the art would appreciate that the temperatures

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used in the molding operation are dependent on the specific polymer used and would use whatever temperature was required to melt the thermoplastic sufficiently to form the composite. Absent unexpected results, the temperatures claimed are considered obvious.

Regarding claim 12, the conventional reinforcement, as suggested by Weber, is glass fiber matting which is embedded in the thermoplastic.(Col. 1, II. 8-10)

Regarding claim 13, Amatangelo suggests the use of polypropylene.(Col. 2, II. 62)

Regarding claim 14, Jaegers et al. discloses the core being a honeycomb.(Figure 2)

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Mumper(U.S. Patent 3,786,708).

Jaegers et al. discloses a method of cutting the honeycomb, but this method is only exemplary. Mumper discloses cutting a corrugated board into sections using a serrated blade which is pressed downward.(Figure 1; Col. 1, II. 65-67) It would have been obvious to one skilled in the art at the time the invention was made to use a serrated knife in a straight downward motion to cut the first skin since this would prevent tearing of the board edges as taught by Mumper.(Col. 1, II. 7-12) While the reference suggests a straight vertical slice, one in the art would appreciate that the composite of Jaegers is not intended to be cut completely through and that such a knife would not cut completely through all the honeycomb sections. Thus, it would have been obvious to

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one skilled in the art at the time the invention was made to move the knife horizontally as well as vertically when cutting the honeycomb to insure the entire section of honeycomb was cut.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Northall.(U.S. Patent 1,491,134).

Jaegers et al. discloses a method of cutting the honeycomb, but this method is only exemplary. Northall discloses a method of cutting which prevents buckling of the blades(Col. 1, ll. 15-21) by using two serrated blades which reciprocate. Such devices are well-known and conventional in the cutting arts as shown for example by Northall and by the well-known electric bread knife. It would have been obvious to one skilled in the art at the time the invention was made to use this well-known and conventional cutting blade system since it prevents blade bending and since it cuts more quickly than using only one blade.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Barbara J. Musser** whose telephone number is (703) 305-1352. The examiner can normally be reached on Monday-Thursday 7AM-4PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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305-7718 for regular communications and (703) 305-3599 for After Final
communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 308-
0661.

BJM

BJM

November 4, 2001

J H Aftergut

JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300